IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2095 OF 2007

Devendrakumar Harkhanath Gound. ... Applicant.

V/s.

The State of Maharashtra
and another. ... Respondents.

S.P.Bharti for the applicant.

Ms.M.H.Mhatre, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 27th July 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with C.R.No.I-41/2007. The applicant was arrested by the Crime Branch Rural Area, Thane on 29th May, 2007 for the offences punishable under sections 395, 397, 364, 342 of Indian Penal Code read with sections 3 and 25 of the Arms Act under the aforesaid C.R.

3. According to the applicant, statement of the complainant was recorded belatedly on 4th June, 2007.

4. Mr.Bharti, learned counsel for the applicant urged that the applicant did go to inspect the

container to find out as to what type of material is available for sale since one Mr.Yadav, resident of Nerul, had approached him saying that he wanted to sell the said material as scrap.

5. Mr.Bharti submits that when the goods were being inspected by the applicant, the police arrived on the spot and seized the container. The present applicant came to be arrested since he was inspecting the container. Considering the role of the present applicant, Mr.Bharti submits that the applicant would be entitled to bail. Having heard rival parties, am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with C.R.No.I-41/2007 registered with the Crime Branch Rural Area, Thane shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the Crime Branch, Rural Area, Thane once in a week, i.e. on every Saturday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect

only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

4. Application stands disposed of accordingly.

JUDGE